

March 9, 2017

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on March 9, 2017. The meeting opened with a salute to the Flag.

Mayor DiGiovanni announced that this meeting was being held in accordance with the Open Public Meetings Act by:

- (1) posting a notice of said meeting on the bulletin board in the lobby of the municipal building;
- (2) causing a notice of said meeting to be sent to the Daily Record;
- (3) furnishing a notice of said meeting to anyone requesting it in accordance with the Open Public Meetings Act; and
- (4) filing notice of said meeting with the Town Clerk.

Roll Call Vote: Present – Mayor DiGiovanni, Councilpersons DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Mayor DiGiovanni asked if anyone from the public would like to speak at this time.

No one wished to speak at this time.

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the regular meeting held on February 23, 2017 as submitted.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Mayor DiGiovanni opened the public hearing on ordinance #2017-05 entitled, AN ORDINANCE OF THE TOWN OF Hackettstown INCREASING THE RATE OF COMPENSATION TO THE POLICE DEPARTMENT FOR SERVICES ON ROAD WORK, which was introduced and passed on first reading on January 26, 2017, and offered a copy of the ordinance to anyone who desired a copy. The title of the ordinance was read aloud, and the Town Attorney explained the contents and purpose of the ordinance. The Town Clerk stated that the ordinance and the Notice of Hearing were duly published in the Daily Record; and posted on the bulletin board in the lobby of the Municipal Building, and that copies of the ordinance were made available to members of the general public who requested such copies.

There being no comments from the public, Mayor DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (DiMaio) that ordinance #2017-05 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN INCREASING THE RATE OF COMPENSATION TO THE POLICE DEPARTMENT FOR SERVICES ON ROAD WORK, be adopted on second and final reading and that Notice of Final Adoption be published.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Mayor DiGiovanni opened the public hearing on ordinance #2017-07 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SCHEDULE IX OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”) OF THE TOWN ORDINANCES, which was introduced and passed on first reading on February 23, 2017, and offered a copy of the ordinance to anyone who desired a copy. The title of the ordinance was read aloud, and the Town Attorney explained the contents and purpose of the ordinance. The Town Clerk stated that the ordinance and the Notice of Hearing were duly published in the Daily Record; and posted on the bulletin board in the lobby of the Municipal Building, and that copies of the ordinance were made available to members of the general public who requested such copies.

March 9, 2017 (continued)

There being no comments from the public, Mayor DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2017-07 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SCHEDULE IX OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”) OF THE TOWN ORDINANCES, be adopted on second and final reading and that Notice of Final Adoption be published.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Engelau) to adopt the following resolution:

Resolution

WHEREAS, Allentown SMSA Limited partnership d/b/a/ Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way into the Town of Hackettstown; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Town of Hackettstown, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Town of Hackettstown.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Town of Hackettstown, its officers, agents, and servants, from an y claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Town of Hackettstown.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Town of Hackettstown as an additional insured.
 - E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
 - F. Notwithstanding any provision contained herein, neither the Town of Hackettstown

March 9, 2017 (continued)

nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.

- G. This instrument shall be adopted on behalf of the Town of Hackettstown by the Town Council of the Town of Hackettstown and attested to by the Town of Hackettstown Clerk who shall affix the Town of Hackettstown Seal thereto.
- H. The permission and authority hereby granted shall continue of the same period of time as the grant to parties whose poles Verizon Wireless is using.
- I. This Resolution is contingent upon execution of a Rights-of-Way Use Agreement as between the Town of Hackettstown and Allentown SMSA Limited Partnership d/b/a/ Verizon Wireless.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Tynan) to adopt the following resolution:

Resolution

WHEREAS, on October 27, 2016, the Municipal Council (the “Municipal Council”) of the Town of Hackettstown (the “Town”) adopted a resolution designating the property located at Block 125, Lot 9.01, 301 Mountain Avenue (the “Property”) an “Area in need of Redevelopment” pursuant to the New Jersey Local Redevelopment and Housing Law, NJSA 40A:12A-1 et seq. (the “Redevelopment Law”); and

WHEREAS, the Planning Board of the Town of Hackettstown, at its meeting of October 25, 2016, recommended by Resolution that the Municipal Council designate the property located at Block 125, Lot 9.01, 301 Mountain Avenue (hereinafter “Property”) as non-condemnation Area in Need of Redevelopment; and

WHEREAS, the Municipal Council of the Town of Hackettstown thereafter designated the Property as “an Area in need of Redevelopment” by Resolution adopted on October 27, 2016 and authorized the Planning Board of the Town of Hackettstown to prepare a Redevelopment Plan for the Property; and

WHEREAS, the Planning Board of the Town of Hackettstown caused the Town Planner, John Madden, AICP, PP, of Maser Consulting, P.A., to prepare a Redevelopment Plan for the Property located at Block 125, Lot 9.01 (the “Redevelopment Plan”); and

WHEREAS, the Planning Board of the Town of Hackettstown reviewed the Redevelopment Plan, providing comments and suggested changes to its professional staff; and

WHEREAS, at its meeting on January 24, 2017, the Planning Board of the Town of Hackettstown reviewed the Redevelopment Plan for Block 125, Lot 9.01, 301 Mountain Avenue prepared by John Madden AICP, PP of Maser Consulting P.A., dated January 11, 2017 and adopted a Resolution recommending that the Redevelopment Plan be adopted by the Municipal Council; and

WHEREAS, on February 23, 2017, the Municipal Council adopted an ordinance of the Town of Hackettstown adopting the Redevelopment Plan pursuant to the Local Redevelopment and Housing Law, NJSA 40A:12A-1, et seq.; and

WHEREAS, the Town now desires to designate 2016 Mountain Hackettstown, LLC, or such affiliate thereof as may be deemed appropriate by 2016 Mountain Hackettstown, LLC, as the Redeveloper (“Redeveloper”) of the Property, subject to the condition that the Town and Redeveloper enter into a Redevelopment Agreement pursuant to governing law to provide for the redevelopment of the Property.

March 9, 2017 (continued)

NOW, THEREFORE, BE IT RESOLVED BY THE Municipal Council of the Town of Hackettstown, County of Warren, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated in their entirety as through set forth at length herein.
2. 2016 Mountain Hackettstown, LLC is hereby designated as the Redeveloper of the Property, subject to execution of a Redevelopment Agreement.
3. This Resolution shall take effect in accordance with applicable law.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Engelau) to adopt the following resolution:

Resolution

WHEREAS, the Tax Collector of the Town of Hackettstown has been paid the amount necessary to redeem with interest calculated in accordance with the New Jersey Statutes on property known on the Tax Map and in the Tax Duplicate as the following municipal lien:

Block 119, Lot 1.04 24 Helm's Mill Rd
Tax Sale Certificate #16-00127
Assessed to: TLR-IV, LLC
US Bank-Cust/Sass Muni VI, dtr
50 South 16th St., Suite 1950
Philadelphia, PA 19102

NOW THEREFORE, BE IT RESOLVED on this 9th day of March, 2017 that the Chief Financial Officer is hereby authorized to issue a check for \$35,577.05, plus premium of \$63,600.00 for a total of \$99,177.05 to the lien holder:

US Bank Cust BV002 Trst & Crdtrs
50 South 16th St., Suite 2050
Philadelphia, PA 19102-2513

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2017-04 in the amount of \$1,849,795.23.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Engelau) to approve the purchase order to Direct Flooring, Flemington, NJ, into eh amount of \$8,207.12 for carpet installation in the Council Room.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo and Tynan

No – Sheldon

Motion was made (Sheldon) and seconded (Tynan) to approve raffle license #1142 for the Knights of Columbus #2483 Joyce Kilmer Council to hold an off premise 50/50.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Lambo) to appoint John Stout to the positon of 2nd Alternate to the Zoning Board of Adjustment with a term expiring December 31, 2017.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

March 9, 2017 (continued)

Motion was made (Lambo) and seconded (Sheldon) to approve the special event license application for Centenary University to hold an Earth Day Celebration on April 22, 2017, to waive the \$50.00 application fee and to charge no Town costs.

Roll Call Vote: Yes – DiMaio, Engelau, Lambo, Sheldon and Tynan

Abstain – Kunz

Motion was made (Lambo) and seconded (Sheldon) to approve the special event license application for Hackettstown Committee for Crime Prevention to hold a Town Wide Yard Sale on April 29 and April 30, 2017, to waive the \$50.00 application fee and to charge no Town costs.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (DiMaio) to adjourn this meeting at 7:35 PM.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

This is to certify that the ordinances and resolutions contained herein have been approved by me in accordance with law.

Maria DiGiovanni, Mayor

This is to certify that all proper notices, postings and filings required by the Open Public Meetings Act (Chapter 231, P.L. 1975) were provided for this meeting.

William Kuster, Jr., Town Clerk